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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,788	01/23/2002	James Allen	AVIGEN.004A	9362

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EXAMINER

WHITEMAN, BRIAN A

ART UNIT PAPER NUMBER

1635

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

NOTICE OF IMPROPER AMENDMENT

The amendment filed on 8/27/03 is an improper amendment because the status of claim 4 (original claim) is incorrect. Claim 4 has been amended. See MPEP 714.

The original claim 4 recited: The method of claim 3, wherein said heterologous nucleic acid is a gene encoding a protein.

Amended claim 4 recites: The method of claim 3, wherein said heterologous nucleic acid is an anti-sense RNA.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY DAYS** from the mailing date of this notice, which is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Whiteman whose telephone number is (703) 305-0775. The examiner can normally be reached on Monday through Friday from 7:00 to 4:00 (Eastern Standard Time), with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader, SPE - Art Unit 1635, can be reached at (703) 308-0447.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal

Application/Control Number: 10/056,788

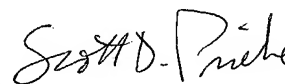
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Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Brian Whiteman
Patent Examiner, Group 1635

A handwritten signature in black ink, reading "Scott D. Priebe". The signature is written in a cursive, flowing style.

SCOTT D. PRIEBE, PH.D
PRIMARY EXAMINER